



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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GROUP 1700

In re application of

Alexander BLEIBLER

Appln. No.: 09/890,516

Examiner: Boyd, Jennifer

Filed: July 31, 2001

Group Art Unit: 1771

For: METHOD FOR PRODUCING A FLAT STRIP

Attorney Docket No.: 3827.082

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This election is responsive to the Office Action dated April 2, 2003, making a response due on or before May 2, 2003, wherein the Examiner requires Applicants to elect for prosecution from either:

Group I - Claims 38-43 (drawn to a flat strip lamella); or

Group II - Claims 22-37 and 44 (drawn to a method for producing a flat strip lamella).

The position of the Examiner can be found on page 2 of the Office Action.

In response, Applicants elect Group II, with traverse.

Traversal is for the following reasons:

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The flat strip lamella of Group I cannot be made without the process of Group II; conversely, the process of Group II results in the product of Group I. Thus, a search for the subject matter of Group II could be carried out concomitantly with the search for the subject matter of Group I.

Under the Manual of Patent Examining Procedure (MPEP) Section 803 - Restriction - When Proper:

Under the statute, an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents, and they are either independent (MPEP §806.04 - §806.04(j)) or distinct (MPEP §806.05 - §806.05(i)).

Accordingly, it is respectfully submitted that all claims are based on a common concept, that they are so closely related that a search would not be unduly burdensome, that they should be examined in the same application as part of the same invention.

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.